

## Message Text

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ACTION EUR-12

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E.O. 11652: N/A  
TAGS: ETEL CA  
SUBJECT: BORDER TV TALKS WITH GOC - DEPARTMENT OF COMMUNICATIONS  
VIEWS

REF: STATE 213745

1. TCO MET WITH KENNETH STEIN (ACTING DIRECTOR GENERAL, SOCIAL POLICY AND PROGRAMS BRANCH, DEPARTMENT OF COMMUNICATIONS) SEPTEMBER 13 TO REVIEW STATE OF GOC PREPARATIONS FOR OCTOBER 6 CONSULTATIONS. STEIN INDICATED PREPARATIONS WERE NOT AS WELL ADVANCED AS HE WOULD LIKE, BUT ISSUES WILL BE MORE THOROUGHLY ADDRESSED ON INTERAGENCY BASIS OVER NEXT FEW WEEKS.

2. ASIDE FROM NORMAL SUMMER VACATION DIFFICULTIES, THE BUREAUCRACY WAS HAVING A PROBLEM WITH FEAR THAT MINISTER SAUVE (WHO HAS BEEN PERSONALLY INVOLVED IN ISSUE) MIGHT BE REPLACED IN ANTICIPATED CABINET SHUFFLE. ALSO, EXTAFF MINISTER MACEACHEN (WHO WAS ON FAR EASTERN TRIP AUG. 20-SEPT. 6) HAS BEEN UNABLE TO BRIEF SUAVE PRIVATELY ON HIS PERSONAL CONVERSATION WITH SECRETARY KISSINGER IN WASHINGTON AUGUST 18. HOPEFULLY THAT WILL TAKE PLACE IN THE NEXT SEVERAL DAYS BUT THE FACT THAT IT HAS NOT HAPPENED YET IS CONSIDERED AN INHIBITING FACTOR BY THE PUBLIC SERVICE.

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3. STEIN'S INFORMATION IS THAT GOC DELEGATION WILL

PROBABLY BE HEADED BY PETER TOWE (ASSISTANT UNDER-SECRETARY, EXTAFF) AND HARRY BOYLE (CHAIRMAN, CANADIAN RADIO-TELEVISION AND TELECOMMUNICATIONS COMMISSION). DOC PARTICIPATION WILL BE AT WORKING LEVEL AND WILL INCLUDE HIMSELF AND ROBERT BUCHAN (SPECIAL POLICY ADVISOR TO THE DEPUTY MINISTER OF COMMUNICATIONS). (LATTER WAS PRINCIPAL DOC SPOKESMAN AT JANUARY MEETING, BUT HIS ROLE WAS PRIMARILY FORMAL AS HIS MAIN POLICY RESPONSIBILITIES RELATE TO FEDERAL-PROVINCIAL RELATIONS IN COMMUNICATIONS.) OTHER WORKING LEVEL PEOPLE NOT YET DETERMINED.

4. REGARDING C-58, STEIN OBSERVED THAT HIS OFFICE HAD COMPLETED ITS STUDY ON THE AVAILABILITY OF ADVERTISING TIME ON CANADIAN STATIONS AND HAD MADE A RECOMMENDATION TO MINISTER SAUVE REGARDING AN IMPLEMENTATION DATE. TO HIS KNOWLEDGE IT HAD NOT BEEN ACTED UPON. HOWEVER, HE ANTICIPATED THAT THE ORDER-IN-COUNCIL WOULD BE ISSUED IN VERY NEAR FUTURE AND C-58 WOULD COME INTO EFFECT QUICKLY WITH RESPECT TO BROADCASTING. HE WOULD NOT COMMENT ON THE SPECIFIC DATE RECOMMENDED OTHER THAN TO NOTE THAT WITH THE NEWVANCOUVER TV STATION ALREADY ON THE AIR (ALTHOUGH STILL BROADCASTING TEST PROGRAMS) THERE WAS NO SUBSTANTIVE REASONS TO DELAY IMPLEMENTATION. IN ADDITION, REVENUE CANADA WAS NO LONGER INSISTING UPON A JANUARY 1 EFFECTIVE DATE; ANY DATE COULD BE ACCOMMODATED FROM THE TAX ADMINISTRATION VIEWPOINT.

5. TURNING TO THE SUBSTANCE OF THE OCTOBER 6 CONSULTATIONS, STEIN INDICATED HE EXPECTED THE GOC DELEGATION TO INSIST THAT THE DISCUSSION BE CONFINED TO ALTERNATIVES TO COMMERCIAL DELETION (WITH C-58 NOT DISCUSSED AT ALL) AND THAT THE SPECIFIC PROPOSALS THE GOC WOULD PUT FORWARD AS POSSIBLE ALTERNATIVES WERE ESSENTIALLY THREE:

A) A TREATY OR OTHER AGREEMENT WHEREBY RADIO AND TV BROADCASTERS WOULD COMMERCIALLY CONFINE THEMSELVES TO THEIR OWN SIDE OF THE BORDER, WITH PERHAPS A GRACE PERIOD FOR THE U.S. STATIONS TO WIND UP THEIR ACTIVITIES IN CANADA;

B) A REGIME WHEREBY CABLECASTERS WOULD COMPENSATE BORDER LIMITED OFFICIAL USE

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STATIONS DIRECTLY FOR THE RELAY OF PROGRAMS TO WHICH THE STATIONS HAVE CLEARCUT RIGHTS (E.G., THEIR OWN PRODUCTIONS--SUCH AS BUFFALO HOCKEY GAMES--OR PROGRAMS THEY HAVE SPECIFICALLY PURCHASED), EXCLUDING THOSE PROGRAMS (SUCH AS THE PRIME TIME NETWORK SHOWS) WHICH HAVE BEEN SOLD DIRECTLY BY HOLLYWOOD AND OTHER U.S. PRODUCERS TO CANADIAN NETWORKS AND/OR BROADCASTERS; AND

C) NON-SIMULTANEOUS SUBSTITUTION (SEE OTTAWA 2305 AND PREVIOUS), PARTICULARLY OF THE PROGRAMS EXCLUDED ABOVE, A CONCEPT WHICH HAS MANY DIFFICULTIES BUT WHICH THE DOC STILL FEELS MAY BE USEFUL.

6. STEIN EMPHASIZED HE DID NOT EXPECT THAT THE GOC DELEGATION WOULD GO TO WASHINGTON WITH A HARD AND FAST TAKE-IT-OR-LEAVE-IT APPROACH. THE THREE ALTERNATIVES BEING DEVELOPED HERE OBVIOUSLY RELATE TO EACH OTHER AND ARE INTENDED TO PROVIDE A FRAMEWORK FOR SYSTEMATIC DISCUSSION (EXTENDING PROBABLY BEYOND ONE MORE MEETING) WITH A VIEW TO DEVELOPING AN ARRANGEMENT BOTH GOVERNMENTS CAN LIVE WITH. HE HIMSELF LOOKS FORWARD TO USG COMMENTS ON THE PRACTICALITIES OF THE ALTERNATIVES THE GOC WILL PRESENT.

7. FINALLY, STEIN INDICATED HE WOULD APPRECIATE ANY ADVANCE INFORMATION TCO COULD PROVIDE WITH RESPECT TO U.S. THINKING ON THE SUBJECT.  
ENDERS

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